

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NEW YORK IMMIGRATION  
COALITION, CASA DE MARYLAND,  
AMERICAN-ARAB ANTI-  
DISCRIMINATION COMMITTEE,  
ADC RESEARCH INSTITUTE, and  
MAKE THE ROAD NEW YORK,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
COMMERCE; and WILBUR L. ROSS,  
JR., in his official capacity as Secretary  
of Commerce, and

BUREAU OF THE CENSUS, an  
agency within the United States  
Department of Commerce; and RON S.  
JARMIN, in his capacity as performing  
the non-exclusive functions and duties  
of the Director of the U.S. Census  
Bureau,

Defendants.

Civil Action No. 1:18-cv-05025-JMF

**DECLARATION OF ELIZABETH PLUM**

Elizabeth Plum, pursuant to the provisions of 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am the Vice-President of Policy for Plaintiff the New York Immigration Coalition ("NYIC"). In that capacity, I am responsible in part for NYIC's education and outreach efforts around the 2020 Census. I am also one of the NYIC executives responsible for the organization's budgeting, fundraising, and policy priorities. I have been on staff at NYIC for over five years.

2. NYIC is an umbrella policy and advocacy organization for nearly 200 groups in New York State, representing the collective interests of New York's diverse immigrant communities and organizations. NYIC is headquartered at 131 West 33rd St, New York, NY 10001.

3. NYIC's mission is to unite immigrants, members, and allies so that all New Yorkers can thrive. NYIC envisions a New York State that is stronger because all people are welcome, treated fairly, and given the chance to pursue their dreams. NYIC pursues solutions to advance the interests of New York's diverse immigrant communities and advocates for laws, policies, and programs that lead to justice and opportunity for all immigrant groups. It seeks to build the power of immigrants and the organizations that serve them to ensure their sustainability, improve people's lives, and strengthen New York State.

4. NYIC's nearly 200 members are dues-paying nonprofit organizations that are committed to advancing work on immigrant justice, empowerment, and integration. NYIC's member organizations—located throughout New York State and beyond—all share NYIC's mission to serve and empower immigrant communities. NYIC's members include grassroots community groups; social services providers; large-scale labor and academic institutions; and organizations working in economic, social, and racial justice. Representatives of NYIC's member organizations serve on the NYIC Board of Directors.

5. Many of NYIC's member organizations receive funding from a variety of local, state, and federal government sources to carry out social service, health, and education programs. Many of the programs from which NYIC member organizations receive money allocate funding based on population and demographic data generated by the Decennial Census. Among other Census-guided programs, NYIC member organizations receive funding through the Medical Assistance Program, also known as Medicaid; the Special Supplemental Nutrition Program for Women,

Infants, and Children; the State Children's Health Insurance Program; programs authorized under the Workforce Innovation and Opportunity Act; English Language Acquisition Grants; the Corporation for Community & National Service, which operates the AmeriCorps program; and formula grants authorized by the Violence Against Women Act.

6. For example, several NYIC members, including Chhaya Community Development Corporation ("Chhaya"), receive funding through the Community Development Block Grant program.

7. For another example, NYIC members Family Health Centers at NYU Langone, Little Sisters of the Assumption Family Health Services ("LSA"), Korean Community Services of Metropolitan New York, and Planned Parenthood of New York City receive funding through Medicaid to provide community health services.

8. For a third example, NYIC member Chinese-American Planning Council ("CPC") receives funding through the Workforce Innovation and Opportunity Act to provide education, training, and other services to aid job seekers in securing employment.

9. NYIC also receives the value of \$799,109 in Census-guided funding from the Corporation for National & Community Service for 21 positions filled by AmeriCorps VISTA members and approximately \$20,000 for travel and administrative costs related to those positions. Through this program, NYIC has placed 17 AmeriCorps VISTA members into positions at member organizations, while 4 AmeriCorps VISTA members work directly with NYIC.

10. As an organization, NYIC has an ongoing commitment to promoting engagement in the Decennial Census among individuals served by its member organizations—in large part because of how critical the population count determined by the Census is for our members' level of

governmental funding and their level of political representation at the federal, state, and local levels. For example, NYIC partnered with the New York Community Media Alliance to launch an outreach campaign to boost immigrant participation in the 2010 Census. As part of that effort, NYIC coordinated public service announcements in 24 languages that appeared in 69 newspapers. NYIC also held press briefings with elected officials. These efforts helped to increase New York City's mail-in 2010 Census participation rate by approximately 3%.

11. For the 2020 Census, NYIC has already begun its outreach efforts. Since the beginning of 2018, it has helped form "New York Counts 2020," a growing, non-partisan coalition of more than 50 diverse organizational stakeholders across New York to advocate for a fair and complete enumeration. This broad-based coalition, which was formally launched in March 2018, is composed of racial, ethnic, immigrant, religious, health, education, labor, housing, social services, and business groups working in partnership with state and local government officials.

12. NYIC is investing resources to solidify the work and reach of New York Counts 2020 through robust advocacy, outreach, and mass educational forums. It has already begun disseminating online petitions, petitioning Community Boards to pass resolutions for a fair and accurate count, and co-convened an all-day statewide conference, "Making New York Count in 2020." NYIC will continue coordinating the working committees of New York Counts 2020, including by: coordinating "train the trainer" sessions throughout the state to equip leaders with tools to educate their communities on the importance of the Census; devising effective messaging to convince hard-to-reach communities to participate; empowering coalition members to assist their communities in completing the Census online; and advocating to ensure that there are no unnecessary barriers impeding marginalized communities from being counted while also ensuring their privacy is protected.

13. In its already extensive 2020 Census outreach, NYIC has faced, and will continue to face, a more difficult Census-response environment. NYIC was already facing more significant challenges in its Census outreach even before the decision to institute the citizenship question because New York immigrant communities are more skeptical and fearful of interacting with the government due to the Trump Administration's persistently hostile and discriminatory actions and attitudes toward immigrants of color. Now, New York immigrant communities' heightened fear of interacting with government workers has increased even further due to the decision to add the citizenship question. This fear extends not only to undocumented immigrants or non-citizens with legal status, but also to family and household members of non-citizens who will be concerned that participating might endanger their loved ones.

14. The decision to add a citizenship question to the 2020 Decennial Census has required NYIC to make substantial and additional investments to achieve Census participation rates comparable to what we what would have achieved absent this decision. Over the next three years, NYIC is planning to spend approximately \$1 million on community education and outreach efforts to work towards a complete and accurate count within the communities that NYIC and its member organizations serve. To the best of my knowledge, the \$1 million that NYIC anticipates spending on Census-related work represents an increase of approximately 60% over what the organization would have spent in the absence of a citizenship question.

15. This additional spending is partially a response to reports NYIC has received from its member organizations that some of their members have expressed an unwillingness to participate in the Census as a result of the citizenship question. NYIC has heard such reports from many of its member organizations, including CPC, Arab-American Association of New York

(“AAANY”), Masa, Chinese Progressive Association, MinKwon Center for Community Action, and Chhaya.

16. For example, in CPC’s Childhood Development Programs, parents who are immigrants of color have been asking CPC staff members whether or not it is “the law” to fill out the Census form and if or how they would be penalized if they chose not to respond. They also ask what will happen if they don’t answer a question during an in-person visit. Some have expressed concern that they may receive a visit from Immigration and Customs Enforcement if they indicate that there are noncitizens in their household. They have expressed reluctance to participate in the Census at all. In CPC’s Senior Centers, some seniors who are immigrants of color have been asking whether an incomplete mail-in form would be enough to trigger an in-person visit from ICE or another government official. In CPC’s Brooklyn Community Center, the senior services program has received an unusually high number of inquiries from community members on how to apply for citizenship. Some seniors and some younger generation Asian-Americans have also expressed concern because they are aware that Census data was used to identify Japanese-Americans and place them in internment camps during World War II.

17. For another example, AAANY has reported that many members of the Arab and Arab-American community they serve in and around the Bay Ridge section of Brooklyn have been reaching out to ask if they can refuse to fill out the Census because those community members are worried about the impact it will have on them or members of their households who have uncertain legal status. AAANY’s Adult Education Program Manager Somia Elrowmeim shared the fearful sentiments expressed by her students, many of whom said that they were apprehensive about having their names disclosed because of their legal status. AAANY’s adult

education program consists of 110 women who are recent immigrants, primarily from Yemen and Egypt and between the ages of 18-68. According to Ms. Elrowmeim:

“A lot of the women who I work with do not feel comfortable if someone asks them if they are a citizen. They feel like they will be targeted and treated like second-class citizens. Usually, if they see a question like that on any application they usually do not fill it out. Especially under this administration, the Arab community does not feel comfortable to say if they are a citizen or even a green card holder. Many struggle and endure many difficulties to become citizens and at the end they are still being asked where they are from. Our students and women have expressed how they feel like something is wrong and that they are being targeted with these questions. My members do not want their name out there, they are not comfortable because they are not citizens yet and do not feel like they have enough protections.”

18. For a third example, Chhaya has reported to NYIC that they have heard from members of the South Asian community they serve that the citizenship question is very concerning to them and they do not trust the federal government with such information. Those community members have expressed hesitation about participating in the Census specifically because of the citizenship question, including one community member who said at Chhaya's monthly community meeting in May 2018 that if a citizenship question is added to the Census she will not fill out the Census, and will advise her family to do the same. She expressed that she felt scared that the information would be used to target members of her community for adverse immigration consequences. Chhaya has reported that they anticipate lower than average Census participation among their community members in 2020 if the citizenship question is included. Chhaya has reported that the fear generated by the citizenship question will require Chhaya to conduct more extensive education and outreach to the South Asian community regarding the 2020 Census than Chhaya would have conducted otherwise.

19. For a fourth example, Desis Rising Up and Moving, a member of the New York Immigration Coalition, reported that a man who emigrated to the United States from Guyana in

the 1970s said that even as a citizen, he would not complete the Census if it contains a citizenship question because many people in his family and community are not citizens. This individual believed that this information could be used to target his family members who are non-citizens for deportation based on his understanding that Census data was used to target Japanese-American citizens for internment camps during the second World War.

20. For a fifth example, Little Sisters of the Assumption Family Health Service, a community-based organization and health services provider in East Harlem and a member of the New York Immigration Coalition, reported to NYIC a conversation with a community member about the Census and the fear about what a citizenship question could mean for his family and the community they serve. The community member is a 30-year-old male resident of East Harlem and is originally from Mexico. He is a DACA recipient and lives in a household with persons of mixed immigration status. He reported that he was afraid to answer a citizenship question on the Census because he is concerned that the Trump Administration may use that data to hurt his family and community.

21. NYIC has also received these reports directly from immigrants, including one from an immigrant from India who told an NYIC staff member that he would not fully participate in the Census because he is still trying to build a life within his community in New York and, that after everything he has had to sacrifice to live in this city and country, he cannot afford to put himself in danger of deportation.

22. One of the central concerns of NYIC and its members organizations with respect to the citizenship question is the loss of privacy that members of the immigrant communities we serve would suffer by the publication of citizenship data on the neighborhood or even city block level. With citizenship data at that level of granularity available, especially when combined with



similarly granular data on race and Hispanic origin, it would be possible to determine where there are a high level of non-citizens of color, and for law enforcement agencies, particularly immigration authorities, to engage in the profiling of immigrant communities of color.

23. Because of the heightened fear and suspicion created by the citizenship question, NYIC and its member organizations will be forced to expend more resources on their outreach efforts to try to reduce the effect of this question on the response rate in the immigrant communities they serve. Due to this strain on resources, NYIC is already fundraising to try to support its 2020 Census work. NYIC will need to apply for additional grants to sustain the increased need for 2020 Census outreach, further diverting its resources that would otherwise be spent on trying to obtain grants for other areas. Further, NYIC has already, and will continue to, divert resources from its other organizational priorities, including its work on health care and language access issues. For example, NYIC was undertaking a study and publication on adult English literacy and workforce development, which examines the critical role of English language acquisition in integrating immigrants into the workforce and preparing them to earn higher wages; however, that project has been postponed indefinitely because of the resources required to perform additional Census outreach and education work. Additionally, based on information reported by the Communications Committee of New York Counts 2020, NYIC and some of its member organizations will have to divert resources that would have been spent on education and outreach efforts to increase Census response rates among immigrant communities of color towards addressing the heightened fear generated by the citizenship question.

I, Elizabeth Plum, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollections.

Dated: New York, New York

October 26, 2018

  

---

Elizabeth Plum